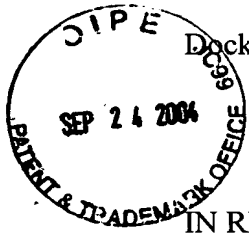


Docket No: 214595US0PCT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Naoyuki FUKUCHI, et al.

SERIAL NO: 09/926,256

FILED: OCTOBER 2, 2001

FOR: METHOD FOR PRODUCING SUBUNIT PEPTIDE ORIGINATING FROM
OLIGOMERIC PROTEIN

:

: EXAMINER: SNEDDEN, S.

:

: ART UNIT: 1653

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE COMMUNICATION

COMMISSIONER OF PATENTS AND TRADEMARKS
ALEXANDRIA, VA 22313-1450

SIR:

In accordance with the requirements of M.P.E.P. §711.03(c), Applicants hereby petition to withdraw the holding of abandonment based on failure to receive the Office Communication mailed on November 26, 2003, for the above-identified application. In support of this petition, Applicants provide herein a statement from the practitioner stating that the Office Communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office Communication was not received. In addition, Applicants submit herewith a copy of the docket record where the non-received Office Communication would have been entered had it been received and docketed.

In response to a Status Request filed on May 10, 2004, Applicant's Representative was advised by way of a Notice of Abandonment under 37 C.F.R. 1.53(f) or (g) that an Office Communication for the above-identified application was mailed on November 26, 2003. However, no such Office Communication was received.

In light of the fact that the six-month period for response to the Office Communication would have expired on May 26, 2004, Applicants, through counsel of record, respectfully request that any holding of abandonment for the above-identified application be withdrawn due to the fact that the Notice To File Missing parts was not received by Applicants' Attorney. The facts concerning this matter are as follows:

Upon receipt of Patent Office mail in this firm, all mail is opened and logged in a daily mail log, the due date entered in a manual docketing book and entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent Office mail are also entered in the computer.

Upon being informed by the Office that an Office Communication had been mailed, the computer was checked to determine the current status reflected therein (a hard copy of the record for the above-identified application is attached herewith). The computer status section for the subject application did not show receipt of an Office Communication, which would appear in the "Actions and Due Dates" section, nor did it show a current due date for responding to the Office Communication which would appear under "Due Dates". The attached computer print-outs for this application show neither of these entries.

The application file was also pulled and both the front docketing section and the full contents of the file were reviewed. The application file docketing section showed no entry of an Office Communication in the application, and no Office Communication was found to be in the file. A Status Request was filed in the PTO on June 30, 2003, requesting the status on the above-identified application; however, no reply was received from the Office in this regard. A second Status Request was filed in the PTO on November 14, 2003, requesting the status on

the above-identified application; however, no reply was received from the Office in this regard.

A third Status Request was filed in the PTO on May 10, 2004, requesting the status on the above-identified application; however, no reply was received from the Office in this regard.

Only the Notice of Abandonment was received.

In light of the foregoing explanation and the attached computer print-outs submitted in support of this request, abandonment of this application is deemed unavoidable due to non-receipt of the Office Communication that was apparently mailed on November 26, 2003, and the restoration of this application to the pending files and re-mailing of the Office Communication is earnestly solicited.

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge any fees for the papers being filed herewith and for which no check is enclosed herewith to deposit account No. 15-0030. A duplicate copy of this paper is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Vincent K. Shier, Ph.D.
Registration No. 50,552

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413-2220

(OSMMN 08/03)

NFO/VKS

File Edit Explorer Reports Tools Window Help

Patent Case Information for Docket #: 214595US-8222-10-0-PCT, Application #: 09/926,256, General Information: Patent Gener...

General Information	Patent1	Patent2	Drawing Information	Priorities	Clients/Entities
General Case Information Actions Actions Inventors Clients/Entities Attorneys Assignments File Folders Incoming Mail Track Entries Outgoing Correspondence PTO Mail Images Filing Receipts Parent Cases Children Cases Specification Information Terminal Disclaimers PTO Filings Incoming Correspondence Search Reports Cited References (Cited by PTO) Cited References (Disclosed by Applicant)	General Information Case Number: 214595-US Country: United States of America Title/Mark: METHOD FOR PRODUCING SUBUNIT PEPTIDE ORIGINATING FROM OLIGOMERIC PROTEIN Title/Mark2: Case Type: PCT.US.2.P - U.S. PCT - 30 months (with priority) Keyword: Pay Status: Section: 0 - Chemical Date Opened: 09/27/2001 Docket Number: 214595US-8222-10-0-PCT Family Number: 214595 Tax Schedule: Large Status: 26 Status Date: 10/03/2001 Description: Examiner Name: Previous Docket Number: Billing Matter: Previous Short Docket Number: Client Matter: Docket Number: Transferred In Date: Transferred Out Date: File Destroyed Date: 00/00/0000 00/00/0000 00/00/0000 ODS Related Cases:				

Ready 10/20/2004 1:53:41 PM

File Edit Explorer Reports Tools Window Help

Patent Case Information for Docket #: 214595US-8222-10-0-PCT, Application #: 09/926,256, Actions: Actions

General Case Information

Actions

Inventors

Clients/Entities

Attorneys

Assignments

File Folders

Incoming Mail Track Entries

Outgoing Correspondence

PTO Mail

Images

Filing Receipts

Parent Cases

Children Cases

Specification Information

Terminal Disclaimers

PTO Filings

Incoming Correspondence

Search Reports

Cited References (Cited by PTO)

Cited References (Disclosed by Applicant)

Actions and Due Dates

Due Dates

Click Here to Insert/Replace an Action

Action Description	Base Date	Response Sent Date	No Action Taken	Remarks
Priority File By (30mos)	04/02/1999	10/02/2001	<input type="checkbox"/>	
Application Date	10/02/2001	00/00/0000	<input type="checkbox"/>	
IDS Due	10/02/2001	12/27/2001	<input type="checkbox"/>	
PCT N/Missing Parts	11/14/2001	01/14/2002	<input type="checkbox"/>	
Follow up IDS Ack	12/27/2001	00/00/0000	<input type="checkbox"/>	
Follow up IDS Ack	02/21/2002	00/00/0000	<input type="checkbox"/>	
IDS Due	02/21/2002	02/21/2002	<input type="checkbox"/>	

Click Here to Insert a Due Date

Due Date Description	Indicator	Due Date	Date Taken	No Action	Est Max	Est Used	Remarks
Priority File By (30 mos) Final	<input checked="" type="checkbox"/>	10/02/2001	10/02/2001	<input type="checkbox"/>			

Ready

09/20/2004 1:53:27 PM

File Edit Explorer Reports Tools Window Help

Patent Case Information for Docket #: 214595US-8222-10-0-PCT, Application #: 09/926,256, Actions: Actions

General Case Information
 Actions
 Inventors
 Clients/Entities
 Attorneys
 Assignments
 File Folders
 Incoming Mail Track Entries
 Outgoing Correspondence
 PTO Mail
 Images
 Filing Receipts
 Parent Cases
 Children Cases
 Specification Information
 Terminal Disclaimers
 PTO Filings
 Incoming Correspondence
 Search Reports
 Cited References (Cited by PTO)
 Cited References (Disclosed by Applicant)

Actions and Due Dates

Show All Show Outstanding

Due Date Description	Indicator	Due Date	Date Taken	No Action Taken	Ext Max	Ext Used	Remarks
Priority File By (30 mos)	Final	10/02/2001	10/02/2001	<input type="checkbox"/>			
IDS Due	Due Da	12/27/2001	12/27/2001	<input type="checkbox"/>			
Sequence Listing Due	Due Da	01/14/2002	01/14/2002	<input type="checkbox"/>			
IDS Due	Due Da	02/21/2002	02/21/2002	<input type="checkbox"/>			
Follow up IDS Ack	Due Da	03/27/2002	00/00/0000	<input type="checkbox"/>			
OFR Rcvd	Status	04/02/2002	03/11/2002	<input type="checkbox"/>			
Follow up IDS Ack	Due Da	05/21/2002	00/00/0000	<input type="checkbox"/>			
IDS Due	Due Da	05/06/2003	05/02/2003	<input type="checkbox"/>			
Follow up IDS Ack	Due Da	08/02/2003	00/00/0000	<input type="checkbox"/>			
Pet to W/D Aband	Due Da	10/25/2004	00/00/0000	<input type="checkbox"/>			
FAJ on 1st OA Status	Status	01/31/2005	00/00/0000	<input type="checkbox"/>			

Ready 10/20/2004 1:53:32 PM